



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 03 2016

OFFICE OF
INSPECTOR GENERAL

Mr. Kevin Bogardus
Greenwire
Environment & Energy Publishing
122 C Street NW, Suite 722
Washington, DC 20001

Re: Freedom of Information Act Request (EPA-HQ-2016-001863) – Final Disposition Letter

Dear Mr. Bogardus:

This letter responds to your Freedom of Information Act request to the Environmental Protection Agency Office of Inspector General dated December 4, 2015, seeking disclosure of “a copy of the closing report of investigation and/or closing memorandum as well as photos and/or any images taken for the investigation described [in the EPA OIG Semiannual Report to Congress titled ‘EPA OIG Special Agent Disciplined for Firearm Safety Violation’].

Documents responsive to your request are enclosed. Some redactions of information have been made to the documents pursuant to the FOIA, 5 U.S.C. § 552, Sections (b)(5), (b)(6) and (b)(7)(C). All redactions within the responsive documents are made pursuant to Exemption (b)(6) and (b)(7)(C), unless otherwise noted.

Exemption (b)(5) exempts from disclosure inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. This exemption generally allows agencies to exempt those documents that are privileged in the context of civil discovery. EPA OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege’s domain.

Exemption (b)(6) exempts from disclosure any information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The names of individuals and any personal identifying information have been withheld pursuant to Exemption (b)(6).

Exemption (b)(7)(C) provides protection for personal information in law enforcement records the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. The names of law enforcement personnel and personal identifying information have been withheld pursuant to Exemption (b)(7)(C).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 &

Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may appeal this decision to the Counsel to the Inspector General, Office of Counsel, Office of Inspector General, 1200 Pennsylvania Avenue NW, Mail Code (2411T), Washington, D.C. 20460 or via email at oig_foia@epa.gov. The appeal must be made in writing and must be submitted no later than 30 calendar days from the date of this letter. The appeal letter and envelope should include the FOIA tracking number listed above and be marked "Freedom of Information Act Appeal."

If you have any questions concerning this matter, you may contact Scott Levine, EPA OIG FOIA Officer, at (202) 566-1512 or levine.scott@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Barvenik", written in dark ink.

Susan Barvenik
Associate Counsel

Enclosures

cc: FOIA Office